

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LAVELLE HARKNESS,

Plaintiff,

v.

RAYMOND SOBINA, et al.,

Defendants.

Civil Action No. 09-29 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on February 11, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 43], filed on February 15, 2010, recommended that the motion to dismiss the amended complaint filed by Defendants Lamb, Sherbine and Maxa [Doc. No. 33] be granted. The parties were allowed ten (10) days from the date of service to file objections and service was made on Plaintiff by certified mail. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8th day of March, 2010;

IT IS HEREBY ORDERED that the motion to dismiss the amended complaint filed by Defendants Lamb, Sherbine and Maxa [Doc. No. 33] is GRANTED. The Clerk of Courts is directed to terminate these Defendants as parties to this case.

The Report and Recommendation [Doc. No. 43] of Magistrate Judge Baxter, filed on February 15, 2010, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge